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10/813,279	03/30/2004	Mikko Repka	KOLS.102PA	4536
<div>7590 08/15/2007</div> <div>Hollingsworth & Funk, LLC Suite 125 8009 34th Avenue South Minneapolis, MN 55425</div>				
			EXAMINER ORR, HENRY W	
			ART UNIT 2176	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/813,279

Applicant(s)

REPKA, MIKKO

Examiner

Henry Orr

Art Unit

2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 3/30/2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to applicant's amendment dated 6/28/2007.
2. Claims 1-21 are pending in the case.
3. Claim 21 is newly added.
4. Claims 1, 10, 19 and 20 are independent claims.

Applicant's Response

5. In Applicant's response dated 6/28/2007, applicant has amended the following:
 - a) Claims 1, 2, 4, 5, 10, 11, 13, 14, 19 and 20

Based on Applicant's amendments and remarks, the following objections and rejections previously set forth in Office Action dated 1/25/2007 are withdrawn:

- a) 35 U.S.C. 101 Rejection to claim 19
- b) 35 U.S.C. 112 2nd Rejection to claims 1, 2, 4-7 and 10-20

Drawings

6. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the

applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. **Claims 3, 8, and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

Claims 3, 8 and 9 recite the phrase "the display". There is insufficient antecedent basis for this limitation in the claims because "the display" has not been previously recited.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. **Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beaton et al. (hereinafter "Beaton"), U.S. Patent No. 6,037,937, in view of Andreas**

et al. (hereinafter "Andreas"), U.S. Patent No. 6,901,558 B1.

Claim 1:

Beaton teaches *"system also displays a representation of a control tool over the display of content information. Thereafter, the system receives a user input selecting the control tool, and controls the display of content information according to the user input"* (see col. 2 lines 25-30). **(claim 1; i.e., providing a floatable control area for controlling given software functions of the electronic device;)** Examiner considers the control tool as a floatable control area that has a given software function of an electronic device for controlling the display of content information.

Beaton teaches *"Upon touching the right arrow of the navigation tool, for example, the right arrow is highlighted and navigation program 530 moves the display to the right (Fig. 10A)"* (see col. 5 lines 50-53). **(claim 1; i.e., wherein the floatable control area includes a control block for changing the location of the floatable control area in a display area of the electronic device;)** Examiner considers the right arrow as a control block for changing the location of the navigation tool ("floatable control area"). The location of the navigation tool changes to the right of the display when the right arrow is pressed.

Beaton teaches *"If a user is in a document navigation application, for example, program 510 interprets a quick drag to the right as a next page function"* (see col. 7 lines 61-64). **(claim 1; i.e., detecting a start of an application view loading function;)** Examiner interprets a quick drag to load a next page as detecting a start of an application view loading function.

Beaton fails to expressly teach indicating information relating to the application view loading function.

However, Andreas teaches *"the progress bar visually representing progress of a primary background operation"* (see col. 1 lines 64-65). **(claim 1; i.e., indicating information relating to the application view loading function on the floatable control area when the application view loading function is active;)** Examiner considers the progress bar as indicating information relating to background operations that includes loading web pages that activate their corresponding application view loading function.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Beaton's navigation tool into a progress bar as taught by Andreas when the user navigates to a next page to provide the benefit of indicating the status of the loading operation of the page in a non-obtrusive way while maximizing the use of available screen real estate (see Beaton; col. 2 lines 5-8) (see Andreas; col. 1 lines 39-49).

Beaton fails to expressly teach displaying the loaded application view and ending the indication of the information relating to the application view loading function.

However, Andreas teaches *"Task_IsAllTasksEnded() 125 determines if progress window 44 is no longer needed"* (see col. 4 lines 17-18). **(claim 1; i.e., displaying the loaded application view in the display area of the electronic device and ending the indication of the information relating to the application view loading function on the floatable control area, when the application view loading function ends.)**

Examiner considers the Task_IsAllTasksEnded() function to end the indication of the information relating to the application view loading function of the background operations when the progress window is determined to be no longer needed.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Beaton's navigation tool into a progress bar as taught by Andreas and to modify Beaton's navigation program in Figure 5 to include an ending function as taught by Andreas to provide the benefit of removing the progress bar once user navigates to the next page and the page is loaded. Thus, removing the progress bar with the function prevents the progress bar from being obtrusive to the display and indicates that the task such as loading a page is complete (see Beaton; col. 2 lines 5-8) (see Andreas; col. 1 lines 39-49, col. 2 lines 45-58).

Claim 2:

Beaton fails to expressly teach information relating to the application view loading function.

However, Andreas teaches *"status bar 28 is enhanced to include a progress bar 34 in the status bar 28 which includes a cancel button 36, a progress indicator 32, a title 40 inside of the progress bar 34 and a percent 39 in the title"* (see col. 2 lines 59-63).

(claim 2; i.e., wherein the information relating to the application view loading function comprises information on status, rate, progress or duration of the application view loading function.) Examiner considers the progress bar to represent progress information of the loading page that activates the application view loading

function.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Beaton's navigation tool into a progress bar that represent progress information as taught by Andreas when the user navigates to a next page to provide the benefit of indicating the status of the loading operation of the page in a non-obtrusive way while maximizing the use of available screen real estate (see Beaton; col. 2 lines 5-8) (see Andreas; col. 1 lines 39-49).

Claim 3:

Beaton's Figure 8 illustrates displaying the control tool at least partly over the application view. **(claim 3; i.e., displaying the floatable control area at least partly over the application views shown on the display.)**

Claim 4:

Beaton fails to expressly teach providing a control block for interrupting the loading function.

However, Andreas teaches *"What is required is a "something is going on in the background" indicator and preferably a cancel control for all background operations, such as attaching/detaching several attachments, replicating, loading a page, checking-for-mail"* (see col. 5 lines 36-41). Examiner considers the cancel control as the control block for interrupting the loading function when the loading function is in process. **(claim 4; i.e., providing a control block for interrupting the application view loading**

function in the floatable control area when the application view loading function is in process; interrupting the application view loading function on the basis of a detected control command from the control block for interrupting the application view loading function; and ending the indication of the information relating to the application view loading function on the floatable control area when the loading function is interrupted.)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Beaton's navigation tool into a progress bar that includes a cancel control as taught by Andreas when the user navigates to a next page to provide the benefit of stopping the loading operation of the page from the progress bar that is displayed in a non-obtrusive manner while maximizing the use of available screen real estate (see Beaton; col. 2 lines 5-8) (see Andreas; col. 1 lines 39-49).

Claim 5:

Beaton teaches *"Upon touching the right arrow of the navigation tool, for example, the right arrow is highlighted and navigation program 530 moves the display to the right (Fig. 10A)"* (see col. 5 lines 50-53). **(claim 5; i.e., changing the location of the floatable control area on the basis of detected control commands from the control block for changing the location of the floatable control area.)** Examiner considers the right arrow as a control block for changing the location of the navigation tool ("floatable control area"). The location of the navigation tool changes to the right of the display when the right arrow is pressed.

Claim 6:

Beaton teaches *"Although the four arrows are presented to guide the users, navigation program 530 supports navigational movement at any direction"* (see col. 5 lines 54-57). **(claim 6; i.e., providing control blocks for controlling given application view navigation functions in the floatable control area.)** Examiner considers the four arrows as control blocks for navigation functions.

Claim 7:

Beaton teaches *"processor 430 ignores any touch input on the navigation tool unless the navigation tool has been activated"* (see col. 5 lines 27-33). **(claim 7; i.e., hiding the control blocks for controlling given application view navigation functions when the application view is loading.)** Examiner interprets when the navigation tool is not activated the control blocks are hidden from touch input. The touch input can then be interpreted to invoke functions related to the underlying document such as loading web pages or emails. Therefore, invoking functions related to loading web pages ("application view") is done while the control blocks for the navigation tool is deactivated or hidden.

Claim 8:

Beaton teaches *"An activated navigation tool is preferably transparent to avoid hindering the display of content information in the viewing area as shown in Fig. 8"* (see

col. 5 lines 19-22). (**claim 8; i.e., displaying the floatable control area semi-transparently on the display.**) Examiner interprets the activated navigation tool to be the floatable control area.

Claim 9:

Beaton teaches *"A solid line image, for example, may be used in grey scale displays that do not support transparency"* (see col. 5 lines 24-26). (**claim 9; i.e., displaying outlines of the floatable control area on the display.**) Examiner considers the solid line image of the navigation tool to be an outline of the floatable control area.

Claims 10-18:

Claims 10-18 are system claims and are substantially encompassed in method claims 1-9 respectively; therefore the system claims are rejected under the same rationale as method claims 1-9 above.

Claim 19:

Claim 19 includes a program embodied on a computer readable medium to implement the steps that are substantially encompassed in method claim 1; therefore the claim is rejected under the same rationale as method claim 1 above.

Claim 20:

Claim 20 is an apparatus claim and is substantially encompassed in method claim 1; therefore the apparatus claim is rejected under the same rationale as method claim 1 above.

Claim 21:

Beaton teaches a touch screen display (see col. 4 lines 35-38). (**claim 21; i.e., wherein the display is a touch screen.**)

Response to Arguments

11. Applicant's arguments filed 6/28/2007 have been fully considered but they are not persuasive.

Rejections under 35 U.S.C. 112 2nd:

In respect to claims 3, 8 and 9, Applicant argues that failure to provide explicit antecedent basis for the term "the display" does not render the claim indefinite.

Similarly, applicant argues that a skilled artisan would reasonably ascertain that the electronic device includes a display. (See Response – Page 7 3rd full paragraph)

Examiner disagrees.

Claims 3, 8 and 9 recite the phrase "**the display**". There is insufficient antecedent basis for this limitation in the claim because it is unclear whether "the display" in claims 3, 8 and 9 are referring to previously recited "**display area**" in base claim 1. Examiner interprets a display of an electronic device and a display area of an

electronic device to be two different elements with the latter having a narrower scope.

Therefore, the scope of the claims 3, 8 and 9 are indeterminate.

Rejections under 35 U.S.C. 103(a):

Applicant argues *"Beaton et al. (hereinafter "Beaton") and U.S. Patent No. 6,901,558 to Andreas et al. (hereinafter "Andreas") alone, or in combination, do not teach at least that a floatable control area may change locations in a display area. For example, the cited portion of Beaton does not teach that the navigation tool (asserted as corresponding to the claimed floatable control area) changes location in a display area, but rather teaches that the underlying displayed text changes location in the display. In contrast to the assertion at page eight, the navigation tool remains in the center of the display. In addition, Andreas has not been shown to discuss any changing location of a floatable control area."* (See Response –Page 8 last full paragraph)

Examiner disagrees.

Beaton navigation tool changes locations in a display area, when the underlying displayed text changes location in the display. For example, when the navigation tool is originally on an underlying area of displayed text; Examiner interprets the navigation tool to be located on that particular underlying area of displayed text. However, when the underlying text changes to another location, the navigation tool may no longer be on that particular underlying area of displayed text. Therefore, the navigation tool location has changed from no longer being located on the original underlying area of displayed

text. Thus, by changing the underlying area of displayed text location of the navigation tool, the navigation tool location is indirectly changed.

Applicant argues, "Beaton does not discuss any loading of pages such that a progress bar would be necessary. Rather, as Beaton teaches that a user may control the speed of navigation, the document being navigated would already be loaded (column 6, lines 11-24). The asserted motivation for modifying Beaton's navigation tool does not exist in Beaton; therefore, it has not been shown that a skilled artisan would have modified Beaton as asserted." (See Response –Page 9 1st full paragraph)

Similarly, Applicant argues, *"Beaton does not teach that the navigation tool is used during any loading of information, Beaton would have provided insufficient guidance for a skilled artisan having these references before him/her to make the combination suggested. Applicant respectfully asserts that the Examiner's conclusion of obviousness is, instead, based on improper hindsight reasoning using knowledge gleaned only from Applicant's disclosure."* (See Response –Page 9 2nd full paragraph)

Examiner disagrees.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in

Art Unit: 2176

the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

In this case, Beaton teaches that the navigation tool is used during loading of a previous or next page when viewing a multi-page document (see Beaton col. 5 lines 64-67 thru col. 6 lines 1-10). Therefore, Beaton teaches using the navigation tool to initiate loading pages. Andreas teaches displaying a progress bar while loading pages to indicate the status of the loading operation (see col. 5 lines 32-40).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the navigation tool as taught by Beaton to include a progress bar as taught by Andreas to provide the benefit of indicating the status of the loading operation of the page within a multi-page document (see Andreas; col. 1 lines 39-49).

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Conclusion

12. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Henry Orr whose telephone number is (571) 270 1308. The examiner can normally be reached on Monday thru Friday 8 to 4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Hutton can be reached on (571) 272-4137. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2176

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8/10/2007

HO

/Doug Hutton/
Supervisory Primary Examiner
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